



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Am

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|------------------------------|------------------|
| 09/912,784 | 07/25/2001 | Jeffrey K. Jeansonne | 1662-36800 JMH (P00-3492) | 5605 |
| 22879 | 7590 | 06/02/2005 | EXAMINER | |
| HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400 | | | ZHONG, CHAD | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2152 | |

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-----------------|------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/912,784 | JEANSONNE ET AL. | |
| | Examiner | Art Unit | |
| | Chad Zhong | 2152 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-21, 24-33, 36, 37, 39-47 and 49-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-21, 24-33, 36, 37, 39-47 and 49-52 is/are rejected.
- 7) ☒ Claim(s) 22, 23, 34, 38 and 48 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2152

FINAL ACTION

1. This action is responsive to communications: Amendment, filed on 02/01/2005. This action has been made final.

Claims 17-34 and 36-52 are presented for examination. In amendment A, filed on 02/01/2005:

Claims 17-18, 21-26, 29-30, 32, 34, 36, 38-40 are amended.

Claims 1-16, 35 are cancelled.

Claims 45-52 are newly added.

Applicant's remarks filed 02/01/2005 have been considered but are found not persuasive in view at the new grounds at rejection necessitated by Applicant's amendment.

Allowable Subject Matter

Claims 22-23, 34, 38, 48 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371 (c) of this title before the invention thereof by the applicant for patent.

3. Claims 17, 21, 24-30, 32, 36-37, 40, 43-47, 49-50, 52 are rejected under 35 U.S.C. 102(e) as being anticipated by Thakker et al. (hereinafter Thakker), US 6,487,425.

4. As per claim 17, Thakker teaches a computer system comprising:

a radio module (wherein the mobile device comprises of radio module, see for example, Fig 1, item 12a and item 19a communicates via wireless radio);

a power supply coupled to the radio module (wherein the radio operates on power supply on the mobile device, see for example, Col. 2, lines 65-67);

an electrical switch mounted on an external surface of the computer system (see for example, item 66 on Fig 5, wherein the button constitutes a switch);

a seek logic coupled to the electrical switch and the power supply (the activation of item 66, will cause the mobile device to go into a low power mode, with critical sections of the device still powered on while the rest of the components remain off. The sections that remains on during low power mode will seek for any available network and/or incoming phone calls, this means the seek logic is connected with 'POP ON' button as well as the power supply, see for example, Col. 7, lines 17-22);

wherein the seek logic is configured to command the power supply to power the radio module responsive to the actuation of the electrical switch (see for example, Col. 7, lines 17-22, lines 47-48), and the command only when the computer system is powered-off (wherein the low power mode is operational upon user activation of the 'POP ON' button); and

wherein the radio module scans for available wireless access points (wherein the mobile device scans constantly for any available access point, see for example, Col. 7, lines 37-42, moreover, since this system is in an wireless environment, each access point has limited roaming range, and the mobile device's location must be updated periodically so that the mobile device's geographic location can be pin-pointed upon an incoming call, see for example, Col. 7, lines 52-64), and indicates the availability of a wireless access point (wherein the indication of availability of the access point is inherent in this case, for instance, the access point must be available if the user is to get an incoming phone call from the caller in

Art Unit: 2152

Thakker's invention, all phone call messages must travel through in the following manner, i.e.

caller → phone network → access point → receiver, thus, if the receiver is to get a phone call from the caller, that means the access point is also available), both while the computer system is powered-off (the mobile device is in a low powered state).

5. As per claim 21, Thakker teaches the computer system as defined in claim 17 wherein the electrical switch further comprises a momentary push button switch mounted on an outer surface of a video display of the computer system (see for example, Fig 5, item 66).

6. As per claim 24, Thakker teaches the computer system as defined in claim 17 wherein, responsive to a momentary actuation of the electrical switch, the seek logic is configured to command the power supply to power the radio module for a sufficient amount of time to allow the radio module to perform a wireless access seek function, and wherein the seek logic commands the radio module to perform a scan for available wireless access points responsive to the momentary actuation of the electrical switch (Col. 7, lines 15-25; Col. 8, lines 45-62, again, the scanning of access points initiated by the 'POP ON' switch goes into effect after user activation, and goes off upon user deactivation).

7. As per claim 25, claim 25 is rejected for the same reasons as rejection to claim 23 above.

8. As per claim 26, Thakker teaches a method of finding wireless access points with a computing device, the method comprising:

requesting a wireless access seek with the computing device powered-off (Col. 7, lines 17-22, lines 45-50);

scanning for available wireless access points with a wireless communication module of the portable computing device while remaining portions of the computing device are powered off (see for example, Col. 17, lines 45-50, lines 51-64); and

Art Unit: 2152

indicating the availability of wireless access points while the remaining portions of the computing device are powered off (the indication comes in the form of an incoming message from the network, the section that remains on will receive this message and causing the powered off components to 'wake' to a full power mode).

9. As per claim 27-28, claims 27-28 are rejected for the same reasons as rejection to claims 17 and 24 above respectively.

10. As per claim 29, claims 29 are rejected for the same reasons as rejection to claims 17 above.

11. As per claim 30, Thakker teaches the method as defined in claim 26 wherein scanning for available wireless access points further comprises executing software in a microcontroller of a wireless communication module, and wherein the software controls various radio components in the wireless communication module (wherein the components in a mobile device are controlled by software, embedded, operating system or otherwise).

12. As per claim 32, claim 32 is rejected for the same reasons as rejection to claim 17 above.

14. As per claim 36, claim 36 is rejected for the same reasons as rejection to claim 17 above.

15. As per claim 37, claims 37 is rejected for the same reasons as rejection to claim 17 above.

16. As per claim 40, claim 40 is rejected for the same reasons as rejection to claims 17, 26, 32, 37 above.

17. As per claim 43, Thakker teaches the handheld device as defined in claim 40 wherein the notification device further comprises a display device for displaying text messages indicative of the availability of wireless access (Col. 7, lines 1-15, lines 35-45; Col. 18, lines 9-16;).

18. As per claim 44, Thakker teaches the handheld device as defined in claim 40 wherein the wireless communication module further comprises:

a microcontroller coupled to the seek request button and the system battery, and wherein the microcontroller is programmed to perform wireless access seeks responsive to assertion of the seek request button (wherein the CPU is inherently available and would be responsive to activation of a button activation event, such as the entry to POP mode);

a plurality of radio circuits coupled to the microcontroller adapted to facilitate the microcontroller's wireless access seeks (wherein the wireless radio component on the mobile device is more than one circuits put together, so this aspect would be inherent).

19. As per claim 45, claim 45 is rejected for the same reasons as rejection to claim 17 above.

20. As per claim 46, claim 46 is rejected for the same reasons as rejection to claim 26 above.

21. As per claim 47, claim 47 is rejected for the same reasons as rejection to claim 17 above.

22. As per claim 49-50, claims 49-50 are rejected for the same reasons as rejection to claim 17, 21 above respectively.

23. As per claim 52, claim 52 is rejected for the same reasons as rejection to claim 20 and 13 above.

Claim Rejections - 35 USC § 103

24. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having

Art Unit: 2152

ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

25. Claims 18-20, 31, 33, 39, 41-42, 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thakker et al. (hereinafter Thakker), US 6,487,425, in view of 'Official Notice'.

26. As per claim 18, claim 18 is rejected for the same reasons as rejection to claim 1 above.

Further, the notion of USB connection is not explicitly taught in Thakker, "Official Notice" is taken that the concept and advantages of providing for USB connection is well known and expected in the art. It would have been obvious to one of ordinary skill in the art to include USB port with Thakker because it would provide for an alternative way to detect wireless access points on a computer system. Moreover, Thakker teaches the notion of two numbers/modes of operation, one for full battery and other for power saving, both modes are capable of detection of wireless access points, thus there are plurality of methods of detecting for wireless access point is taught by this aspect of Thakker, and USB interface would simply be another way of detection for wireless access points.

27. As per claim 19, Thakker does not explicitly teaches the notion of a light emitting diode (LED), "Official Notice" is taken that the concept and advantages of providing for LEDs are well known and expected in the art. It would have been obvious to one of ordinary skill in the art to include the LEDs for notification purposes with Thakker because it would provide for a way of notifying the user. Further, Thakker teaches the notification step wherein the message of notification comes from the access point when a call/message is about to be forwarded to the client. Availability of an connection is inherently taught when the connection is made between client and the access point during data communication, see also, Col. 7, lines 37-41, wherein the notification takes place.

28. As per claim 20, claim 20 is rejected for the same reasons as rejection to claim 43 above.

29. As per claim 31, 33, 39, 41, 51, claims 31, 33, 39, 41, 51 are rejected for the same reasons as

Art Unit: 2152

rejection to claim 19 above.

30. As per claim 42, claim 42 is rejected for the same reasons as rejection to claim 19 above.

Furthermore, the availability notification is taught by Thakker, see for example, Col. 7, lines 37-42.

Conclusion

31. In the remark, the Applicant argued in substance that Thakker fails to disclose or suggest “scanning for available wireless access point, and indicating the availability of a wireless access point while the computer is powered off”.

In response to Applicant’s amendment, Thakker teaches the above section. Prior to addressing the argument, Examiner would like to point out the definition of ‘powered off’. In Applicant’s specification, ‘Powered off’ means that a portion of the circuits are powered off while the remaining core communications portions would remain operational to scan the network for access points. Thakker is attempting to solve similar issues as the Applicant, namely, the power constraint limitation in mobile wireless networks, see for example, Col. 1, lines 17-35. In response to the above problem, Thakker’s invention has put the mobile device into a low power mode, turning the portion of the circuit off while keep the key portions operational, namely the communications session (see for example, Col. 2, lines 45-67), note, the Examiner has used this definition of ‘Powered Off’ throughout the remainder of this prosecution. Moving on to Applicant’s arguments, scanning of the network is taught see for example, the activation of item 66, will cause the mobile device to go into a low power mode, with critical sections of the device still powered on while the rest of the components remain off. The sections that remains on during low power mode will seek for any available network and/or incoming phone calls, this means the seek logic is connected with ‘POP ON’ button as well as the power supply, see for example, Col. 7, lines 17-22; furthermore, the indication of availability of the access point is inherent in this case, for instance, the access point must be available if the user is to get an incoming phone call from the caller in Thakker’s invention, all phone call messages must travel through in the following manner, i.e. caller → phone network → access point → receiver, thus, if the receiver is to get a phone call from the caller, that means the access point is also available.

Thus, Thakker teaches the above section.

Art Unit: 2152

32. In the remark, the Applicant argued in substance that Thakker fails to disclose or suggest “seeking for wireless access points responsive to assertion of the seek request button the first power supply powers substantially only the wireless communication module”.

In response to Applicant’s amendments, Thakker teaches the above section.

Referring to Fig 5, item 66, wherein the ‘POP ON’ will allow the mobile device to enter into a low power mode, the powering of communications module while during this power off mode is taught at sample section of Col. 7, lines 45-65, wherein periodic updates of geographic location is done while during the power off mode.

33. In the remark, the Applicant argued in substance that Thakker fails to disclose or suggest “seeks for availability of a wireless connection to the Internet for a computer, the seeking responsive to assertion of the seek request button...”.

In response to Applicant’s arguments, Thakker teaches the above section.

Thakker teaches of Mobile device being a PDA, a computer etc... see for example, Col. 4, lines 40-55, and the assertion of seek request button initiates the low power mode, as discussed previously in paragraph 34 above.

THIS ACTION IS MADE FINAL. Applicant is reined of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR

Art Unit: 2152

1.136(a) will be calculated from the mailing date of the advisory action. In no event, however will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

34. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

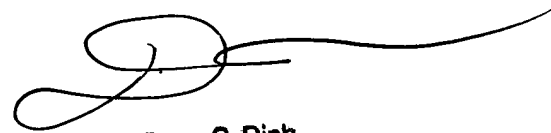
The following patents and publications are cited to further show the state of the art with respect to "WIRELESS ACCESS POINT SEEK MODE FOR WIRELESS ACCESS CLIENTS".

- i. US 5826015 Schmidt et al.
- ii. US 2001/0031626 Lindskog et al.
- iii. US 2002/0069231 Ichikawa

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chad Zhong whose telephone number is (571)272-3946. The examiner can normally be reached on M-F 7:15 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BURGESS, GLENTON B can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dung C. Dinh
Primary Examiner